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LAS VEGAS, NEW MEXICO, 1

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LOUIS E Editor & Pub

### NEW MEXIC

Her Natural Resources

Published by ELIAS BREVOORT, General Land Agent, Santa Fe, N. M.

But let us examine the colonization law of 1824-especially as to its applicability to land grants made by the Republic of Mexico in her province of New Mexico .-In the examination of law it is the fair and proper principle to look at the whole law. and construe it according to its general in-

Section first of the decree (of the Mexican Congress) of August 18, 1824, respecting colonization, is as follows : "The Mexican nation promises to those foreigners who may come to establish themselves in its territory, security in the persons and property, provided they subject themselves

Section 4 says, "Those territories com prised within twenty leagues of the boun-

supreme general executive power." The 12th section of the decree restricts

Now is it not sufficiently and clared in this decree, that its sole and only object and purpose is to colonise "those foreigners who may come to establish themselves, etc., e'c.," and the general intent to restrict the granting of lands to FOEIGN-

It will be seen that the restrictions as to locality and quantity are such as exclude toreigners from settling on the sea coast and frontiers of the Republic, and from acquiring such positions and strongholds as to endanger the country in the event of foreign war. This was evidently the whole intent and scope of this decree of the Mexican Congress. It is evident that it was not applicable, or intended to apply to grants made to MEXICAN citizens. The spirit, intent or practice under this decree does not sustain the idea that the Republic of Mexico in regulating donations of her public domain to foreign colonists, intended to restrict her right of sovereignty in the granting of her own public domain to her oten citizens, nor is such a restriction at all

sustained by the practice. independence of Spain, has been to grant to her own people the lands petitioned for by them, within certain bounds and na'u ral land marks, regardless of quantity or extent of area, or measurement of leagues, or restrictions mentioned in the decree of 1824.

of the Pepublic of Mexico, the records of New Mexico, show the same practice in the granting of lands by her authorities duly empowered to do so, by the general government of Mexico, and further, no grant thus made in New Mexico from 1821 to 1848, has been vacated or annullea by either the general government of Mexico, or the local government of New Mexico acting under the authority of that general government. It is moreover a fact shown by the record, that no grant of land has ever been made in New Mexico-with any - the slightest regard to the decree of 1824. as to quantity of land or form of grant; and that with the exception of some ten or investigated, approved and confirmed, un-

This & - ocurre the procediron, in the grant. .cy stipulations con-

s of the treaty of Gua-

in constituting itself-

Republic of Mexico

and to her own citi

e cited.

1st. It finds no errors to correct that could possibly be acknowledg. we such by

the principal party in interest, govern-

ment of Mexico having acknowledged and

2d. If such error existed in the execution

3d. Congress by such legislation violates

property which had been in their posses

sion under their own sovernment, and re

mained theirs in legal possession, acknowl-

edged by their government at the date of

the treaty of Guadalupe Hidalgo-not a

a part of that property, or such part as

Congress may decide that the Republic of

Mexico had a right to give-but the whole

ard, pages 363, 365, the court says : "Since

the country (California) has become part of

grants, which then had little value, have

estates. They have been denounced as

enormous monopolies, princedoms, etc.,

the grantees, what it is assumed the former

government had too liberally and lavishly

granted. This rhetoric might have a just

curtail such grants, to suit our own sense

of propriety, or defeat just claims, however

construction, to which they were not origi-

United States vs. Moreno, 3d Wallace.

pages 478, 491 : Broad vs. Tedey, the Su

preme Court Leld that "the cession of Cal-

the rights of private properly-these rights

In the case of The United States vs. Pe

nally subjected."

ATTRACTIONS.

Republished by authority of the Author. Hidalgo, s

PRIVATE LAND CLAIMS.

[Continued.]

sanctioned. by long and continued practice, the granting of her own lands to her own citizens, greatly in excess of eleven square leagues. of her own laws by the government of Mex ico, Congress has no right under the conterest and purpose.

stitution, the treaty, or the laws of nations, to correct it, as it cannot be a court of review over the administration by a foreign power of its own laws. the nation's faith, pledged to the Republic Mexican inhabitants of the acquirred ter to the laws of the country." ritories the property in land, and all other

The 2nd section says, "The objects of this law are those national lands which are neither private property, nor belong to any corporation or pueblo, and can therefore be colonized."

daries of any foreign nations, or within ten leagues of the sea coast, cannot be colonized without the previous approval of the

the ownership of one person (colonist) to eleven square leagues in all

of treaties, national and international law,

habitants of territories acquired either by conquest, treaty or purchase. 5th. Congress by such legislation assu mes to reverse or ignore the decisions of the supreme court of the United States in a large number of craes, arising in acquired territories since the acquisition of Lou isiana and Florida, and especially those arising in the recently acquired territory of California, in regard to the extent of grants of land. I will here refer to a few of them only. In the case of Higueras vs. The United States, 5th Wallace, 827, the Supreme Court says: "That when the grant is made by specific boundaries, the grantee is enti tled to the entire tract described," United States vs. Sutherland, 19 Haw

The daily practice of the Mexican government in all the states and provinces of the Republic since the acquisition of its

The records of every state and territory Hidalgo." der the Act of the United States Congress lesgues or measured distances, or square says: "We have frequently decided that the without ever baving been manured or releagues, except in one instance. The large public acts of public officers purporting to socied by other means. It will be observed majority of land grants in New Mexico be exercised in an official capacity, and by made by the governments of Spain and public sutherity, shall not be presumed to Mexico, are described by natural objects as be asurped; but that a legitimate authority land marks, or artificial monuments, erec- has been previously given or subsequently ted for the purpose by the officer placing ratified." the grantee in possession.

To these references to the opinion and crop need not be cut short by drouth, not The facts therefore stand clearly proven, decisions of the United States Supreme in ured by excessive raine.

add the remark, that in no appeal to the Supreme Court Atas States from any of the acquied territories, has the title t lands under a grant from Spain or Mexico, in other respects anobjectionable, been held void by that court, upon the sole ground that the que aty of land granted was in . Class of takes to 0 . eleven square leagues. or on the ground of any quantity of land it might contain within the boundaries described in the papers of

## IRRIGATION.

States, east of about the correction of errors for | 103d n. of longitude, west from Greenwic, ..... ation is rarely resorted to, all the cereals growing to maturity without by of Guadalupe its aid. But west of that meridian to the Sierra Nevada it is essential to a sure and an andant crop. Though it is viewed in the states to the east of us as an unnatural, a costly, and an unnecessary auxiliary to nature, and is unpopular, the new great west hereaway believes, and from experience has found to the contrary. It is an important and profitable part of our system of agriculture. To be understood and appreciated it must be seen in practice and through its effects. It costs less in money and labor than does clearing the lands in the eastern states, or draining them in the western. It fertilizes the land, the water being charged with fertilizing matter, and keeps up its producing capacity thereby .-It saves all loss of crop by drouth or irregular rainfall. It enables the farmer to regof Mexico to protect and guarantee to the ulate his work to his will and convenience. a given amount of labor and attention to his fields thus going much further than when the work presses at irregular and uncertain times. And it often doubles or

quadruples the crop cultivated by its means. The United States surveyor general in a communication to the General Land Office of June 15, 1868, in writing of the barrens and desert lands in New Mexico, and the means of irrigating and reclaiming them,

property in the hands and possession of savs :--Mexican citizens, with the sanction of the "Preparly so called there are neither bardexican government at the date of the ren nor desert lands to any great extent in this district. The Territory is properly di-4th, The result of such legislation, if vided between valleys, which can be irrigacarried into effect, would be an inexcusable ted by the streams flowing through them, and unwarranted invasion of private rights, meses or table lands-under which design destruction of private interests-disregard nation I class all the lands not mountain or irrigable valleys-and mountains. In a heretofore unparalelled in our national communication to the General Land Office legislation, or in the treatment of all civilin 1865 I estimated the arable lands of this ized and enlightened nations, of the indistrict at one million acres. The term arable was used as synonymous with irrigable, as no lands can be cultivated here with any certainty of raising a crop without irrigation. There is a considerable rainfall during the months of July and August, but there is so little rain during April, May and

June that without irrigation crops will or-

dinarily perish.

"The method of irrigation is as follows: -Ditches or canals are excavated, and the water conveyed from the stream with just fall enough to preserve the full quantum or volume deemed necessary, and diverging from the stream as the surface of the land will permit, so as to include all the lands below, i. e. between the greatest elevation to which the ditch can be carried along the tract to be irrigated and the stream. The land is prepared for planting by laying it off' in beds or lots averaging in size, according as the surface is level or otherwise, from a sixteenth part of an acre to two or three acres. Around each of these beds-which now become very large and very valuable are required to be level or nearly so-there is raised a light embankment, six or eight inches above the level, clearing a shallow accquia between, through which the water is drawn, and from which the land is flooded to the depth of two or three inches, as often as required for the growth of the crop. The water being let through the embankgranted. This rhetoric might have a just ment as above, and the beds covered to the influence when urged to those who have a the proper depth, the embankment is again right to give or refuse. But the United closed, and the water left to be absorbed by the soil. The small irrigating ditches above described communicate with the main acknowledge and protect all bona fide titles ditch, the account madre, but the water is only suffered to flow it. them when needed this court has no discretion to enlarge or for the irrigation of the land which they divide or to which they lead. To mature a crop of cora, wheat, harley or oats, the land should be in igated ordinarily once in extensive, by stringent technical rules of ten to fourteen days, vegetables a little oftener; but during the months of July and August the rains supply much of the necessary moisture, so that irrigation during those months; or a portion of them, is often unnessary. It may be proper to state the smount of irrigable land is only limited by the amount of water in the stream-even the kio Grande might all be used in the irrigation of the lands in its valley. The water supplied by irrigation not only affords the necessary moisture for the growth of twelve grants, of all those which have been protected by the treaty of Guadaloupe vegetation, but also enriches the soil by depositing the sed mentary matter held in so-lution, and thus lands which have been unof July 22, 1854. no mention is made of ralta, et al., 19 Howard, p. 347, the court hundred years still produce excellent crops, der annual cultivation for more than two

cultivate it | roperly by means of irrigation,

requires very much more labor than where

Providence sends the early and the latter

rain; but it has its advantages also. If

the farmer has a never falling stream of water with which to irrigate his land, his

the United States, these extensive rancho and this court has been urged to deny to States have bound themselves by a treaty to granted by the previous government, and ifornia to the United States did not impair are held sacred by the laws af nations. and that to prepare land for planting, and to